

1006 Rec'd PTO 21 SEP 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Bruce L. KIEHNE

Serial No : 10/528,422

Filed : March 18, 2005

For : SURGICAL SCALPEL WITH RETRACTABLE GUARD



**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. 371**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Missing Requirements under 35 U.S.C. 371, dated September 7, 2005, attorney for applicant encloses:

1) a combined Declaration and Power of Attorney, executed by the applicant, Bruce L. Kiehne;

2) a check for \$ 65.00, to cover the processing fee for a small entity;

3) a copy of the Notice of Missing Requirements under 35 USC 371.

If any additional fees fall due and owing, kindly charge same to deposit account 08-2455.

Respectfully submitted,



Martin P. Hoffman
Reg. No. 22,261

Hoffman, Wasson & Gitler, P.C.
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Arlington, Virginia 22202
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Enclosures

September 20, 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/528,422	Bruce L Kiehne	A-9488
INTERNATIONAL APPLICATION NO.		
PCT/AU03/01187		
I.A. FILING DATE	PRIORITY DATE	
09/10/2003	09/20/2002	

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CONFIRMATION NO. 4461
371 FORMALITIES LETTER
OC000000016884005
 OC000000016884005

SEP - 9

Date Mailed: 09/07/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 03/18/2005
- Copy of the International Search Report filed on 03/18/2005
- Copy of IPE Report filed on 03/18/2005
- Preliminary Amendments filed on 03/18/2005
- Information Disclosure Statements filed on 03/18/2005
- Small Entity Statement filed on 03/18/2005
- Request for Immediate Examination filed on 03/18/2005
- U.S. Basic National Fees filed on 03/18/2005
- Priority Documents filed on 03/18/2005

RESPONSE BY 11-7-05
 RECORDED

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:

- **\$65 Surcharge.**

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DARRELL C COTTMAN

Telephone: (703) 308-9140 EXT 203

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/528,422	PCT/AU03/01187	A-9488

FORM PCT/DO/EO/905 (371 Formalities Notice)